

Notice of Allowability

Application No.

10/065,451

Examiner

Alvin C. Chin-Shue

Applicant(s)

BERZOWSKI, WILLIAM E.

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone interview on 24 November 2004.
2. ☒ The allowed claim(s) is/are 14.
3. ☒ The drawings filed on 18 October 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 11.24.04, attorney Haley requested an extension of time for TWO MONTH(S) and authorized the Commissioner to charge Deposit Account No. 13-1130 the required fee of \$195.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: the following new claim has been added:

14. (New) An observation system removable mountable on top of a pickup truck cargo bed without permanently altering the truck bed comprising; a foldable chair having a horizontal seat and a vertical back, said horizontal seat having frame members on each side; a tower including a vertical A-frame ladder having a top and bottom , said chair horizontal seat frame mounting members connected to the top of said A-frame ladder; a tower support framework including first and second parallel L-shaped bars, each L-shaped bar having a forward end and a rear end; said tower support framework

including front and rear parallel elongated tubular channel bars, each bar having a rectangular cross-section and a plurality of positioning apertures laterally spaced at each end of the bars; an upstanding apertured plate member attached to each end of the L-shaped bars; threaded fasteners connecting the channel bars to said L-shaped bars through an a respective aperture in each upstanding plate member and a selected on of said plurality of laterally spaced positioning apertures in the channel bars, each channel bar having a pair of spaced U-shaped channel clevis secured thereon; said first and second L-shaped bar being parallel and adjustable in separation by selection of the threaded fasteners in one of the positioning apertures to allow the support framework to be fitted to a variety of truck beds of different widths, with the first and second L-shaped bars being positioned to be against the truck bed walls; said tower A-frame ladder including a first vertical, rectangular frame having a plurality of horizontal ladder rungs spaced apart vertically and a second rectangular frame substantially the same size as the first rectangular frame, said first rectangular frame and said second rectangular frame each having upper ends pivotally connected to said chair horizontal seat frame mounting members, and the first and second rectangular frame each having bottoms, the bottom of said first rectangular

frame connected to the channel front bar by clevis pins through the bottom and the pair of U-shaped channel clevis on the front channel bar, and the bottom of said second rectangular frame connected to the rear channel bar by clevis pins through the bottom of the second rectangular frame and the pair of U-shaped channel clevis on the rear channel bar, and first and second screw clamps for connecting said first L-shaped bar and said second L-shaped bar to a pickup truck cargo bed side walls; and said tower can be manually altered from a vertically raised position for observation to a collapsed, stored position with said second rectangular frame member positioned parallel against said first rectangular frame member.

Claims 1,2 and 5-13 have been canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue
Examiner
Art Unit 3634

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